

REFERENCE TITLE: **text messaging while driving; prohibition**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2396**

Introduced by  
Representatives Farley, Nelson, Pancrazi, Senators Aboud, Aguirre:  
Representatives Gallardo, Kavanagh, Prezelski, Thrasher, Ulmer, Senators  
Arzberger, Soltero

### **AN ACT**

**AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21;  
RELATING TO TEXT MESSAGING WHILE DRIVING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 28, chapter 3, Arizona Revised Statutes, is amended  
3 by adding article 21, to read:

4                   ARTICLE 21. TEXT MESSAGING WHILE DRIVING

5                   28-1191. Definitions

6                   IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7                   1. "CELLULAR TELEPHONE" MEANS AN ANALOG OR DIGITAL WIRELESS TELEPHONE  
8 AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION TO OPERATE IN THE  
9 FREQUENCY BANDWIDTH RESERVED FOR CELLULAR RADIOPHONES.

10                  2. "PERSONAL DIGITAL ASSISTANT" MEANS A WIRELESS ELECTRONIC  
11 COMMUNICATION DEVICE THAT PROVIDES FOR DATA COMMUNICATION OTHER THAN BY  
12 VOICE.

13                  28-1192. Text messaging while driving; prohibition; exceptions

14                  A. A PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON A HIGHWAY WHILE USING  
15 A CELLULAR TELEPHONE OR A PERSONAL DIGITAL ASSISTANT TO SEND OR RECEIVE A  
16 WRITTEN MESSAGE WHILE THE MOTOR VEHICLE IS IN MOTION.

17                  B. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

18                  1. LAW ENFORCEMENT AND SAFETY PERSONNEL WHILE IN PERFORMANCE OF  
19 OFFICIAL DUTIES.

20                  2. DRIVERS OF AUTHORIZED EMERGENCY VEHICLES WHILE IN PERFORMANCE OF  
21 OFFICIAL DUTIES.

22                  3. HOLDERS OF COMMERCIAL DRIVER LICENSES WHILE DRIVING WITHIN THE  
23 SCOPE OF THEIR EMPLOYMENT.

24                  4. PUBLIC TRANSIT PERSONNEL WHILE DRIVING WITHIN THE SCOPE OF THEIR  
25 EMPLOYMENT.

26                  5. A PERSON WHO IS REPORTING CRIMINAL, RECKLESS OR NEGLIGENT  
27 BEHAVIOR.

28                  6. A PERSON WHO BELIEVES THE PERSON IS IN PHYSICAL DANGER IF THE  
29 PERSON IS THE ONLY ADULT IN THE MOTOR VEHICLE.

30                  7. THE USE OF A CELLULAR TELEPHONE OR A PERSONAL DIGITAL ASSISTANT FOR  
31 THE SOLE PURPOSE OF COMMUNICATING WITH ANY OF THE FOLLOWING REGARDING AN  
32 EMERGENCY SITUATION:

33                  (a) AN EMERGENCY RESPONSE OPERATOR.

34                  (b) A HOSPITAL, PHYSICIAN'S OFFICE OR HEALTH CLINIC.

35                  (c) A PROVIDER OF AMBULANCE SERVICES.

36                  (d) A PROVIDER OF FIRE FIGHTING SERVICES.

37                  (e) A LAW ENFORCEMENT AGENCY.

38                  28-1193. Nonmoving violation; civil penalties; accident reports

39                  A. A VIOLATION OF THIS ARTICLE IS A NONMOVING CIVIL TRAFFIC VIOLATION.

40                  B. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS NOT INVOLVED IN  
41 A MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF ONE  
42 HUNDRED DOLLARS.

43                  C. IF A PERSON VIOLATES THIS ARTICLE AND THE PERSON IS INVOLVED IN A  
44 MOTOR VEHICLE ACCIDENT, THE PERSON IS SUBJECT TO A CIVIL PENALTY OF TWO  
45 HUNDRED FIFTY DOLLARS.

1       D. IF A PERSON IS CITED FOR VIOLATING THIS ARTICLE, THE PERSON IS  
2 INVOLVED IN A MOTOR VEHICLE ACCIDENT AND A WRITTEN ACCIDENT REPORT IS  
3 REQUIRED PURSUANT TO ARTICLE 4 OF THIS CHAPTER, THE LAW ENFORCEMENT OFFICER  
4 INVESTIGATING THE ACCIDENT SHALL INDICATE ON THE WRITTEN ACCIDENT FORM THE  
5 USE OF A CELLULAR TELEPHONE OR A PERSONAL DIGITAL ASSISTANT TO SEND OR  
6 RECEIVE A WRITTEN MESSAGE AT THE TIME OF THE ACCIDENT.

7       Sec. 2. Warning period

8       For the purpose of informing and educating persons who operate motor  
9 vehicles, beginning on January 1, 2009 through January 31, 2009, any law  
10 enforcement officer authorized to issue traffic complaints may stop motor  
11 vehicles and issue verbal warnings to persons who would be violating section  
12 28-1192, Arizona Revised Statutes, as added by this act, if it was effective  
13 on the day the warning is issued.

14      Sec. 3. Effective date

15      Title 28, chapter 3, article 21, Arizona Revised Statutes, as added by  
16 this act, is effective from and after January 31, 2009.